

MEJ
SEP - 9 2005

Regional Board File No. 41S0147

Recording Requested By:

William E. Kennedy
Weeks Street LLC
593 Morse Street
San Jose, CA 95126

When Recorded, Mail To:

Executive Officer
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, California 94612

2005-147676
FIRST AMERICAN TITLE COMPANY
08:00am 08/26/05 DR Fee: 151.00
Count of pages 49
Recorded in Official Records
County of San Mateo
Warren Slocum
Assessor-County Clerk-Recorder



**COVENANT AND ENVIRONMENTAL RESTRICTION ON PROPERTY
MAPLE LANE DEVELOPMENT**

1060 Weeks Street, East Palo Alto, CA 94303

This Covenant and Environmental Restriction on Property (this "Covenant") is made as of the 20th day of July, 2005 by Weeks Street LLC ("Covenantor") who is the Owner of record of that certain property sometimes known as the "Maple Lane" situated at 1060 Weeks Street, East Palo Alto ("City"), County of San Mateo, California, which is more particularly described as "PARCEL A" as shown on that certain map entitled "1060 WEEKS STREET EAST PALO ALTO, CALIFORNIA, CITY OF EAST PALO ALTO, SAN MATEO COUNTY, CALIFORNIA", filed in the office of the County Recorder of San Mateo County, State of California, on June 24, 2004, in volume 133 of maps at pages 13 through 15, inclusive, attached hereto as "Exhibit A" and incorporated herein by this reference (such portion hereinafter referred to as the "Burdened Property"), for the benefit of the California Regional Water Quality Control Board, San Francisco Bay Region (the "Board"), with reference to the following facts:

A. Soil on a portion of the Burdened Property contains hazardous materials.

B. Contamination of the Burdened Property. Soil at the Burdened Property was contaminated by historic agricultural activities. These activities resulted in the accumulation of residual pesticides in soil, including primarily dieldrin, DDD, DDE and DDT (total DDT), endrin, and endosulfan, which constitute hazardous materials as that term is defined in Health & Safety Code Section 25260.

49P
ME

In order to address the residual pesticides in soil, a Remedial Action Plan, dated April 18, 2001, was developed. The Remedial Action Plan called for the following measure: (1) Consolidate approximately 5500 cubic yards of pesticide affected soil under the onsite streets (from approximately the center line of the street inward) and Common Park Area within the central portion of the development, hereinafter referred to as the "Area of Encapsulation" or "AOE" (see "Exhibit D", Figure 2 AOE); (2) Cover the top of the impacted soil in the AOE with a geotextile fabric and the edge with a vertical cement barrier, thereby allowing the primary underground utilities to be installed outside the AOE on the outer portion of the street; (3) Develop a Risk Management Plan (see "Exhibit B") to assure proper long-term management of the impacted soil within the AOE (long-term management will be the responsibility of the Maple Lane Home Owners Association, a California nonprofit mutual benefit corporation, ("Maple Lane HOA")); (4) Develop an appropriate fact sheet (see "Exhibit C") which explains in easily understandable terms the environmental conditions of the Burdened Property and associated responsibilities of the home owners association; and (5) Record an appropriate deed restriction on the Burdened Property to document the residual condition and effectively manage affected soil within the AOE.

C. Exposure Pathways. The contaminants addressed in this Covenant are present in soil on the Burdened Property. Without the mitigation measures, which have been performed on the Burdened Property, exposure to these contaminants could potentially take place via in-place direct contact, wind dispersion, resulting in dermal contact, inhalation or ingestion. The risk of public exposure to the contaminants has been substantially lessened by the remediation and controls described herein.

D. Adjacent Land Uses and Population Potentially Affected. The Burdened Property has been proposed for development into a single-family residential subdivision to be constructed by the Covenantor, consistent with the City's General Plan. Properties adjacent to the Burdened Property are also single-family residences.

E. Full and voluntary disclosure to the Board of the presence of hazardous materials on the Burdened Property has been made and extensive sampling of the Burdened Property has been conducted.

F. Covenantor desires and intends that in order to benefit the Board, and to protect the present and future public health and safety, the Burdened Property shall be used in such a manner as to avoid potential harm to persons or property that may result from hazardous materials that may have been deposited on portions of the Burdened Property.

G. Management of Residual Pollution. In order to assure continued protection of human health and the environment, a Risk Management Plan has been prepared and is attached hereto and incorporated herein by this reference as "Exhibit B". A copy of this document must be maintained by the Maple Lane HOA and shall be consulted prior to and complied with during any disturbance to the cap or intrusion to the subsurface within the AOE. Once development has been completed, it shall be the responsibility of the Maple Lane HOA to comply with the Risk Management Plan, as appropriate.

H. Environmental Fact Sheet. An Environmental Fact Sheet has been prepared for the Burdened Property and is attached hereto and incorporated herein by this reference as "Exhibit C". Copies of the Fact Sheet shall be available from the Covenantor and the Maple Lane HOA. Prospective purchasers of the Burdened Property must be made aware of the existence of the Environmental Fact Sheet and a copy provided to them prior to entering into any sales agreement. It is the responsibility of the then existing property owner to provide prospective purchasers copies of the Environmental Fact Sheet and, if requested, a copy of this Covenant.

ARTICLE I GENERAL PROVISIONS

1.1 Provisions to Run with the Land. This Covenant sets forth protective provisions, covenants, conditions and restrictions (collectively referred to as "Restrictions") upon and subject to which the Burdened Property and every portion thereof shall be improved, held, used, occupied, leased, sold, hypothecated, encumbered, and/or conveyed. The restrictions set forth in Article III are reasonably necessary to protect present and future human health and safety or the environment as a result of the presence on the land of hazardous materials. Each and all of the Restrictions shall run with the land, and pass with each and every portion of the Burdened Property, and shall apply to, inure to the benefit of, and bind the respective successors in interest thereof, for the benefit of the Board and all Owners, the Maple Lane HOA and Occupants. Each and all of the Restrictions are imposed upon the entire Burdened Property unless expressly stated as applicable to a specific portion of the Burdened Property. Each and all of the Restrictions run with the land pursuant to section 1471 of the Civil Code. Each and all of the Restrictions are enforceable by the Board.

1.2 Concurrence of Owners and Lessees Presumed. All purchasers, lessees, or possessors of any portion of the Burdened Property shall be deemed by their purchase, leasing, or possession of such Burdened Property, to be in accord with the foregoing and to agree for and among themselves, their heirs, successors, and assignees, and the agents, employees, and lessees of such owners, heirs, successors, and assignees, that the Restrictions as herein established must be adhered to for the benefit of the Board, Owners, the Maple Lane HOA and Occupants of the Burdened Property and that the interest of the Owners, the Maple Lane HOA and Occupants of the Burdened Property shall be subject to the Restrictions contained herein.

1.3 Incorporation into Deeds. Covenantor desires and covenants that the Restrictions set out herein shall be incorporated in and attached to each and all deeds of any portion of the Burdened Property. Recordation of this Covenant shall be deemed binding on all successors and assigns, regardless of whether a copy of this Covenant and Agreement has been attached to or incorporated into any given deed or lease.

1.4 Purpose. It is the purpose of this instrument to convey to the Board real property rights, which will run with the land, to facilitate the remediation of past environmental contamination and to protect human health and the environment by reducing the risk of exposure to residual hazardous materials and assure their proper handling should they need be disturbed.

ARTICLE II DEFINITIONS

2.1 Board. "Board" shall mean the California Regional Water Quality Control Board for the San Francisco Bay Region and shall include its successor agencies, if any.

2.2 City. "City" shall mean the City of East Palo Alto.

2.3 Improvements. "Improvements" shall mean all buildings, roads, driveways, regradings, and paved parking areas, constructed or placed upon any portion of the Burdened Property.

2.4 Occupants. "Occupants" shall mean Owners and those persons entitled by ownership, leasehold, or other legal relationship to the exclusive right to use and/or occupy all or any portion of the Burdened Property.

2.5 Owner or Owners. "Owner" or "Owners" shall mean the Covenantor and/or its successors in interest, who hold title to all or any portion of the Burdened Property.

2.6 Area of Encapsulation (AOE). The "Area of Encapsulation" shall include the Common Park Area and area from approximately the centerline inward beneath the onsite streets of the Burdened Property where impacted soil is managed in-place. The "Area of Encapsulation" is illustrated by "Exhibit D", which is attached hereto and incorporated herein by this reference. The top of the "Area of Encapsulation" is marked by a geotextile net fabric and the outside by a vertical cement wall, located at approximately the centerline of the street.

2.7 Maple Lane Home Owners Association. The "Maple Lane Home Owners Association" a California nonprofit mutual benefit corporation, ("Maple Lane HOA") shall be comprised of all homeowners in the 1060 Weeks Street East Palo Alto, California, residential subdivision, also known as "Maple Lane".

2.8 Cap. The "Cap" includes the pavement in the streets and topsoil over the common park area. A geotextile marker separates the Cap from the impacted soil.

2.9 Common Park Area. The "Common Park Area" includes the area located in the center portion of the site which has been dedicated to open space, pursuant to the Preliminary Development Plan for the Burdened Property approved by the City on November 11, 2001 pursuant to Planning Division Approved Permit No. S 00-5, DR 00-11; PC 00-2; ZC 00-6; ND 00-4.

ARTICLE III DEVELOPMENT, USE AND CONVEYANCE OF THE BURDENED PROPERTY

3.1 Restrictions on Development and Use. Covenantor promises to restrict the use of the Burdened Property as follows:

a. Development of the Burdened Property shall be conducted in accordance with the Preliminary Development Plan for the Burdened Property approved by the City on November 11, 2001 pursuant to Planning Division Approved Permit No. S 00-5, DR 00-11; PC 00-2; ZC 00-6; ND 00-4 and any subsequent amendments.

b. The "Area of Encapsulation" shall be restricted to use as a common park area and roadway only, as set forth in Preliminary Development Plan for the Burdened Property approved by the City on November 11, 2001 pursuant to Planning Division Approved Permit No. S 00-5, DR 00-11; PC 00-2; ZC 00-6; ND 00-4 and any subsequent amendments.

c. The Common Park Area shall be restricted to open space, with grass or another similar shallow rooted vegetation. No structures, trees or other deep-rooted vegetation that will significantly intrude into the impacted soil shall be permitted, unless expressly permitted in writing by the Board.

d. No Owners, the Maple Lane HOA, Occupants of the Burdened Property or any portion thereof or other party shall conduct any excavation work in "Area of Encapsulation" of the Burdened Property, unless work is conducted pursuant to procedures set forth in the Risk Management Plan. Any contaminated soils brought to the surface by grading, excavation, trenching, or backfilling shall be managed by Covenantor, the Maple Lane HOA or their agents in accordance with all applicable provisions of local, state and federal law;

e. All uses and development of the Burdened Property shall be consistent with the attached Risk Management Plan, which is hereby incorporated to and attached as "Exhibit B". All uses and development shall preserve the integrity of any cap, any remedial measures taken or remedial equipment installed on the Burdened Property pursuant to the requirements of the Board, unless otherwise expressly permitted in writing by the Board.

f. The Maple Lane HOA shall notify the Board of each of the following: (1) The type, cause, location and date of any disturbance to any cap, any remedial measures taken or remedial equipment installed on the Burdened Property pursuant to the requirements of the Board, which could affect the ability of such cap or remedial measures, or remedial equipment to perform their respective functions and (2) the type and date of repair of such disturbance. Notification to the Board shall be made by registered mail within ten (10) working days of both the discovery of such disturbance and the completion of repairs;

g. The Covenantor agrees that the Board, and/or any persons acting pursuant to Board, shall have reasonable access to the Burdened Property for the purposes of inspection, surveillance, maintenance, or monitoring, as provided for in Division 7 of the Water Code.

h. No Owner, Occupant or the Maple Lane HOA of the Burdened Property shall act in any manner that will aggravate or contribute to the existing environmental conditions of the Burdened Property. All use and development of the Burdened Property shall preserve the integrity of any capped areas.

3.2 Enforcement. Failure of an Owner, the Weeks Street HOA or an Occupant to comply with any of the restrictions, as set forth in paragraph 3.1, shall be grounds for the Board, by reason of this Covenant, to have the authority to require that the Owner modify or remove any Improvements constructed in violation of that paragraph. Violation of the Covenant shall be grounds for the Board to file civil actions against the Owner as provided by law.

3.3 Notice in Agreements. After the date of recordation hereof, all Owners shall execute a written instrument, which shall accompany all purchase agreements relating to the property. Any such instrument shall contain the following statement:

“The land described herein contains hazardous materials in soil under certain portions of the property, and is subject to a deed restriction dated as of _____, 2005, and recorded on _____, 2005, in the Official Records of San Mateo County, California, as Document No. _____, which Covenant and Restriction imposes certain covenants, conditions, and restrictions on usage of the property described herein. In conjunction with and incorporated into the deed restriction as Exhibits "B" and "C" are a Risk Management Plan and Environmental Fact Sheet. The Risk Management Plan sets forth guidelines and procedures for managing the residual pollution on the property. It is the responsibility of the Maple Lane HOA to assure compliance with the deed restriction and Risk Management Plan. This statement is not a declaration that a hazard exists. The Environmental Fact Sheet has been prepared in order to provide an understanding of the conditions on the property. Any current owner selling any portion of the property within the Maple Lane Development must provide a copy of the Environmental Fact Sheet (Exhibit "B" of the above referenced deed restriction) to all prospective purchasers of the property, prior to their committing to purchase any portion of the property. In addition, all prospective purchasers must be allowed adequate time to review the Environmental Fact Sheet, prior to committing to purchase. Should any prospective purchaser request copies of the Deed Restriction; the seller must provide copies in a timely manner.”

ARTICLE IV VARIANCE AND TERMINATION

4.1 Variance. The Weeks Street HOA or any Owner of the Burdened Property or any portion thereof may apply to the Board for a written variance from the provisions of this Covenant. Any variance to the provisions of this Covenant must be agreed to by the Board before becoming effective.

4.2 Termination. The Weeks Street HOA or any Owner of the Burdened Property or a portion thereof may apply to the Board for a termination of the Restrictions as they apply to all

or any portion of the Burdened Property. Termination of this Covenant must be agreed to by the Board before becoming effective.

4.3 Term. Unless terminated in accordance with paragraph 4.2 above, by law or otherwise, this Covenant shall continue in effect in perpetuity.

ARTICLE V MISCELLANEOUS

5.1 No Dedication Intended. Nothing set forth herein shall be construed to be a gift or dedication, or offer of a gift or dedication, of the Burdened Property or any portion thereof to the general public.

5.2 Notices. Whenever any person gives or serves any notice, demand, or other communication with respect to this Covenant, each such notice, demand, or other communication shall be in writing and shall be deemed effective (a) when delivered, if personally delivered to the person being served or official of a government agency being served, or (b) three (3) business days after deposit in the mail if mailed by United States mail, postage paid certified, return receipt requested:

If To: "Covenantor"

Bill Kennedy
Weeks Street LLC
593 Morse Street
San Jose, CA 95126

If To: "Board"

Regional Water Quality Control Board
San Francisco Bay Region
Attention: Executive Officer
1515 Clay Street, Suite 1400
Oakland, California 94612

5.3 Partial Invalidity. If any portion of the Restrictions or terms set forth herein is determined to be invalid for any reason, the remaining portion shall remain in full force and effect as if such portion had not been included herein.

5.4 Article Headings. Headings at the beginning of each numbered article of this Covenant are solely for the convenience of the parties and are not a part of the Covenant.

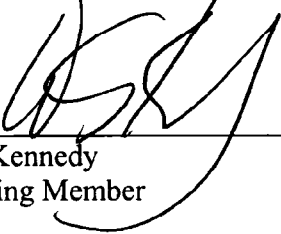
5.5 Recordation. This instrument shall be executed by the Covenantor and by the Executive Officer of the Board. This instrument shall be recorded by the Covenantor in the County of San Mateo within ten (10) days of the date of execution.

5.6 References. All references to Code sections include successor provisions.

5.7 Construction. Any general rule of construction to the contrary notwithstanding, this instrument shall be liberally construed in favor of the Covenant to effect the purpose of this instrument and the policy and purpose of the Water Code. If any provision of this instrument is found to be ambiguous, an interpretation consistent with the purpose of this instrument that would render the provision valid shall be favored over any interpretation that would render it invalid.

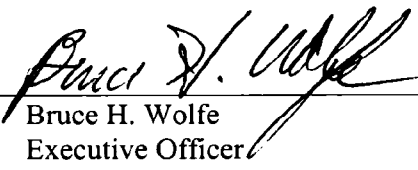
IN WITNESS WHEREOF, the parties execute this Covenant as of the date set forth above.

Covenantor: Weeks Street LLC, a California limited liability company

By: 
W. E. Kennedy
Its: Managing Member

Date: 1/22/05

Agency: State of California Regional Water Quality Board, San Francisco Bay Region

By: 
Bruce H. Wolfe
Executive Officer

Date: 7/20/05



STATE OF CALIFORNIA }
COUNTY OF SAN MATEO }ss.

On 7-22-05 before me, The undersigned
W. E. Kennedy, personally appeared _____

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

Nancy C. Foote



(This area for official notarial seal)

Title of Document:

Date of Document:

No. of Pages:

Other signatures not acknowledged:

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

Alameda

ss.

On

July 20, 2005

before me,

Shaune K. Edwards

Date

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared

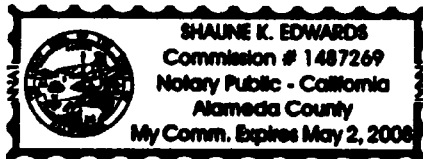
Bruce Wolf

Name(s) of Signer(s)

☐ personally known to me

☒ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Shaune K. Edwards
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document:

Environmental Restriction

Document Date:

7/20/05

Number of Pages:

Signer(s) Other Than Named Above:

none

Capacity(ies) Claimed by Signer

Signer's Name:

☐ Individual

☐ Corporate Officer — Title(s):

☐ Partner — ☐ Limited ☐ General

☐ Attorney-in-Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other:

Signer Is Representing:

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

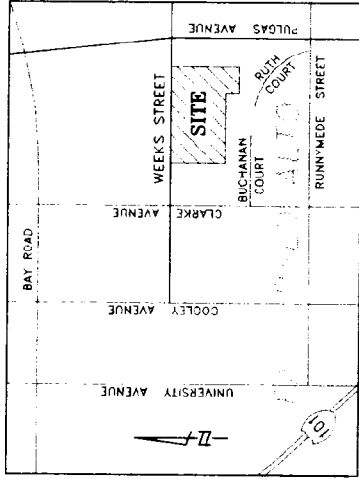
EXHIBIT A

"1060 WEEKS STREET EAST PALO ALTO, CALIFORNIA, CITY OF EAST PALO,
SAN MATEO COUNTY, CALIFORNIA"

1060 WEEKS STREET EAST PALO ALTO, CALIFORNIA

BEING A SUBDIVISION OF THE LANDS DESCRIBED IN THE DEED
RECORDED FEB. 25, 2002 IN DOCUMENT 2002-033744
OFFICIAL RECORDS OF SAN MATEO COUNTY, CALIFORNIA
CITY OF EAST PALO ALTO SAN MATEO COUNTY CALIFORNIA

WILSEY HAM
ENGINEERING-SURVEYING-PLANNING
2680 BISHOP DRIVE, SUITE 129 SAN RAMON, CALIFORNIA
OCTOBER, 2003



VICINITY MAP
NOT TO SCALE

OWNER'S STATEMENT
I HEREBY STATE THAT I AM THE OWNER OF THE SAME SAME PART TITLE OR INTEREST
IN AND TO THE REAL PROPERTY SHOWN ON THIS MAP
THAT I AM THE ONLY PERSON WHOSE INTEREST IS NECESSARILY PASSED A CLEAR TITLE
AND SUBDIVISION AS SHOWN WITHIN THE SUBDIVISION MAP. THE MAP OF SAID MAP
THAT OFFERS THE SAME TO THE PUBLIC. THE MAP OF SAID MAP
IN ON OVER AND ABOVE THE SAME. THE MAP OF SAID MAP
AS SHOWN ON SAID MAP. THE MAP OF SAID MAP
PAPERS TO BE SUBJECT TO THE PUBLIC. THE MAP OF SAID MAP
TO THE EXTENT DESCRIBED IN THE ABOVE REFERRED TO. THE MAP OF SAID MAP
ARE TO BE FOR THE BENEFIT OF THE SAME. THE MAP OF SAID MAP

CERTAIN LOTS ARE SUBJECT TO THE SAME. THE MAP OF SAID MAP
IN THE AREAS MARKED WITHIN THE MAP. THE MAP OF SAID MAP
LOT WITH RESPECT TO THE SAME. THE MAP OF SAID MAP
DECLARATION OF RESERVATION.

WEEKS STREET, 1060 WEEKS STREET, 1060 WEEKS STREET, 1060 WEEKS STREET

BY: WILSEY HAM DATE: October 7, 2004

DEED OF TRUST

AS BENEFACTORY

NEW FRONTIER CAPITAL, LLC, A RE-SERVE LIMITED LIABILITY COMPANY

BY: ELIM TELEPHONY DATE: June 4, 2004

BY: ELIM TELEPHONY DATE: June 4, 2004

ACKNOWLEDGMENT

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

ON: June 4, 2004 BEFORE ME, Helen J. Miller, Notary Public

APPEARED Jerry Monkarsh PERSONALLY KNOWN TO ME (OR PRINTED

IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND I KNOWLEDGED TO ME THAT HE EXECUTED

THE SAME IN HIS AUTHORIZED CAPACITY, AND THAT BY HIS SIGNATURE ON THE INSTRUMENT

THE SAME OR THE ENTIRE UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED

THE INSTRUMENT.

WITNESSES: MY HAND AND OFFICIAL SEAL

SIGNATURE: Helen J. Miller

MY COMMISSION EXPIRES: October 24, 2004

PRINCIPAL PLACE OF BUSINESS: LOS ANGELES COUNTY

ACKNOWLEDGMENT

STATE OF CALIFORNIA

COUNTY OF Santa Clara

ON: June 7, 2004 BEFORE ME, L.C. Danton, Notary Public

APPEARED, William G. Kennedy PERSONALLY KNOWN TO ME (OR PRINTED

TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON WHOSE

IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND I KNOWLEDGED TO ME THAT HE EXECUTED

THE SAME IN HIS AUTHORIZED CAPACITY, AND THAT BY HIS SIGNATURE ON THE INSTRUMENT

THE PERSON OR THE ENTIRE UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED

THE INSTRUMENT.

WITNESSES: MY HAND AND OFFICIAL SEAL

SIGNATURE: L.C. Danton

MY COMMISSION EXPIRES: Sept 20, 2007

PRINCIPAL PLACE OF BUSINESS: Santa Clara COUNTY

COMM # 1440 446

CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP AND THAT THE SUBDIVISION AS SHOWN
HEREIN IS SUBSTANTIAL. HE SAME AS IT APPEARED ON THE TENTATIVE MAP
APPROVED ALTERNATIVES THEREOF. THAT ALL PROVISIONS OF THE CALIFORNIA "SUBDIVISION
MAP ACT" APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN
COMPLIED WITH, AND THAT I AM Satisfied THAT IT IS TECHNICALLY CORRECT.

DATE: June 7, 2004
CITY ENGINEER: WILSEY HAM
REGISTERED PROFESSIONAL ENGINEER
EXPIRES: 12/31/05



CITY CLERK'S STATEMENT

THE UNDERSIGNED, ALVIN D. JAMES, CITY CLERK OF THE CITY OF EAST PALO ALTO,
HEREBY CERTIFY THAT THE PROPOSING OF ORDINANCE NO. 247, CHAPTER 8,
BELOW MAPS, RATE, HOUSING DEVELOPMENT RULERS AND REGULATIONS, ADOPTED
AND AFFIRMED BY THE CITY COUNCIL ON NOVEMBER 19, 2002, HAVE BEEN MET. THE FOLLOWING SIX (6)
LOTS ARE HEREBY DESIGNATED AS BROWN MARKET RATE (BROWN) UNITS AND ARE SUBJECT
TO THE PROVISIONS OF CHAPTER 8.5 OF THE ZONING ORDINANCE: LOT 1, LOT 2, LOT 10,
LOT 16, LOT 19 AND LOT 20.

AND DOES HEREBY ABANDON ALL THAT PART OF THE PUBLIC UTILITY EASTERN WATER
WAS DEEDED BY GRANT DEED RECORDED VOLUME 16, 1972 AS DOCUMENT NO. 1058
BOOK 179, AT PAGE 2436 OF OFFICIAL RECORDS, WHICH PARTIONS ARE NOT SHOWN
MAP PURSUANT TO SECTION 8.5 OF THE CALIFORNIA SUBDIVISION MAP ACT.

DATE: 6/10/04
ALVIN D. JAMES
CITY CLERK OF THE CITY OF EAST PALO ALTO
SAN MATEO COUNTY
STATE OF CALIFORNIA

DIRECTOR OF HOUSING STATEMENT

I HEREBY CERTIFY THAT THE PROPOSING OF ORDINANCE NO. 247, CHAPTER 8,
BELOW MAPS, RATE, HOUSING DEVELOPMENT RULERS AND REGULATIONS, ADOPTED
AND AFFIRMED BY THE CITY COUNCIL ON NOVEMBER 19, 2002, HAVE BEEN MET. THE FOLLOWING SIX (6)
LOTS ARE HEREBY DESIGNATED AS BROWN MARKET RATE (BROWN) UNITS AND ARE SUBJECT
TO THE PROVISIONS OF CHAPTER 8.5 OF THE ZONING ORDINANCE: LOT 1, LOT 2, LOT 10,
LOT 16, LOT 19 AND LOT 20.

DATE: June 7, 2004
WILSEY HAM
CITY PLANNING MANAGER

PLANNING COMMISSION STATEMENT

I HEREBY STATE THAT ALL CONDITIONS IN THE TENTATIVE MAP MOVED BY
THE CITY PLANNING COMMISSION HAVE BEEN MET.

DATE: June 8, 2004
MARIA G. P. HENCO
CITY PLANNING MANAGER

SOILS ENGINEER'S STATEMENT

A SOILS REPORT WAS PREPARED FOR THIS SUBDIVISION BY THE FIRM OF NICHOLAS
ENGINEERING CONSULTANTS DATED MAY 30, 2002, ENTITLED "GEO-TECHNICAL
INVESTIGATION PROPOSED RESIDENTIAL DEVELOPMENT WEEKS STREET, EAST PALO
ALTO, CA PROJECT NO. 10R JOB NO. 11496, AND IS ON FILE AT 6743 DUBLIN
BLVD. UNIT 15, DUBLIN, CA 94568 AND SIGNED BY DEWY A. NICHOLAS, P.E.
REGISTRATION NO. 2070 LICENSE EXPIRES: 06/2004

COUNTY RECORDER'S STATEMENT

FILED THIS 24th DAY OF JUNE, 2004, AT 12:03 P.M. IN BOOK 133 OF MAPS
AT PAGES: 13-15. AT THE REQUEST OF FIRST AMERICAN TITLE COMPANY.

FILE NO.: 2004-900066 FEE: \$12.00

WILSEY HAM, COUNTY RECORDER

DATE: June 7, 2004
BY: WILSEY HAM
DEPUTY RECORDER



EXHIBIT B

RISK MANAGEMENT PLAN

EXHIBIT "B"

February 19, 2003

ICES 2223

Mr. Mark Johnson
California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, California 94612

Subject: Risk Management Plan
1050, 1054, and 1060 Weeks Street
East Palo Alto, California

Dear Mark:

Enclosed is the Risk Management Plan (RMP) for 1050, 1054, and 1060 Weeks Street in East Palo Alto, California ("the Site").

The RMP presents baseline health and safety requirements for establishing and maintaining a safe working environment during the course of future construction activities within the "Area of Encapsulation" (AOE) where pesticide-impacted material is being managed in-place at the Site. The AOE is located within the common park area and the right-of-way of the onsite streets at the central portion of the Site.

If you have any questions or comments concerning this RMP, please do not hesitate to contact Derek Wong or me.

Sincerely,

Peng Leong
Principal Engineer

Enclosure

cc: Mr. Bill Kennedy, Weeks Street LLC

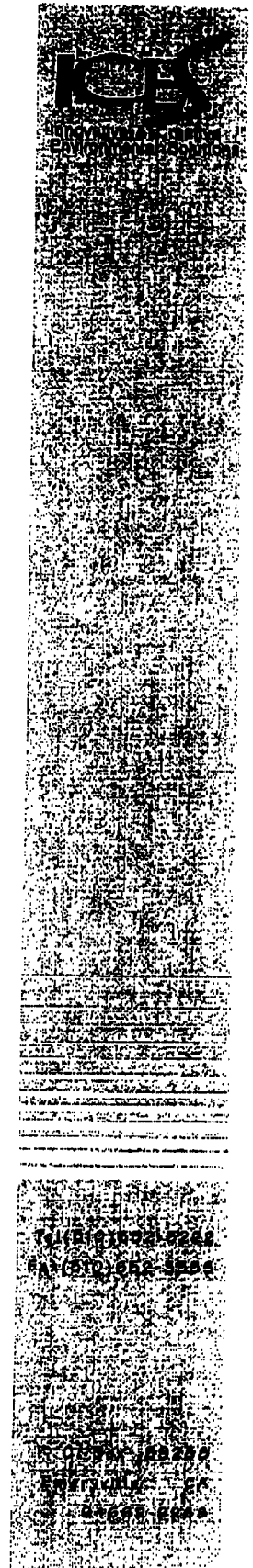


EXHIBIT "B"

RISK MANAGEMENT PLAN

**1050, 1054, AND 1060 WEEKS STREET
EAST PALO ALTO, CALIFORNIA**

FEBRUARY 19, 2003

ICES 2223

Prepared for:

**Mr. Bill Kennedy
Weeks Street LLC
593 Morse Street
San Jose, California 95126**

ICE

Innovative & Creative Environmental Solutions

**P.O. Box 99288 Emeryville CA 94662-9288
... (510) 652-3222 ...**

EXHIBIT "B"



TABLE OF CONTENTS

	<u>PAGE</u>
LIST OF FIGURES	ii
1.0 INTRODUCTION	1
2.0 SITE DESCRIPTION	2
2.1 Background	2
3.0 RISK MANAGEMENT PLAN	3
TABLES	
FIGURES	
APPENDICES	
A: CONTACT INFORMATION	
B: SAMPLING PROCEDURES	

EXHIBIT "B"



LIST OF TABLES

NUMBER

TITLE

- | | |
|---|---|
| 1 | Excavation Sample Results - Excavation Sidewall Samples |
| 2 | Excavation Sample Results - Excavation Floor Samples |

EXHIBIT "B"



LIST OF FIGURES

<u>NUMBER</u>	<u>TITLE</u>
1	Site Location
2	Area of Encapsulation
3	Confirmation Sample Locations

EXHIBIT "B"



February 19, 2003

ICES 2223

RISK MANAGEMENT PLAN**1050, 1054, AND 1060 WEEKS STREET
EAST PALO ALTO, CALIFORNIA****1.0 INTRODUCTION**

At the request of Mr. Bill Kennedy ("the Client"), Innovative and Creative Environmental Solutions (ICES) has prepared a Risk Management Plan (RMP) for the residential development located at 1050, 1054, and 1060 Weeks Street in East Palo Alto, California ("the Site; Figure 1). The RMP presents baseline health and safety requirements for establishing and maintaining a safe working environment during the course of future subsurface construction activities within the "Area of Encapsulation" (AOE), where pesticide-impacted material is being managed in-place. The AOE consists of the common park area and the right-of-way (ROW) of the onsite streets at the central portion of the Site (Figure 2).

The RMP has been developed in order to manage pesticide-impacted soil which has been encapsulated within the AOE. An orange geotextile fabric has been placed over the pesticide-impacted soil to act as a marker bed, separating the impacted soil from the clean fill placed and compacted above the fabric. As the pesticide-impacted soil has been placed within the common park area and the ROW of the onsite streets where there are no utilities, there should be no reason to encounter the pesticide-impacted soil during routine maintenance of the common park area and ROW of the onsite streets, thereby minimizing active risk management activities. However, in the unlikely event that the pesticide-impacted soil is disturbed, it is the responsibility of the Homeowner's Association to provide any contractors working within the pesticide-impacted soil in the AOE, a copy of this RMP for their review. It is also the responsibility of the Homeowner's Association to bear all costs associated with long-term management of the pesticide-impacted soil and to insure compliance with all requirements of the RMP and associated deed restriction.

EXHIBIT "B"



2.0 SITE DESCRIPTION

The Site is located on the south side of Weeks Street and west of Pulgas Avenue. The relatively flat Site consists of an L-shaped parcel. The southern portion measures approximately 146 feet wide by 58 feet long while the northern portion measures approximately 386 feet wide by 262 feet long.

The Site consists of six parcels with Assessor Parcel Numbers 063-264-380, 063-264-390, 063-264-400, 063-264-420, and 063-264-050. A residential development is currently being constructed at the Site.

2.1 Background

A nursery which used to grow primarily chrysanthemums occupied the Site in the 1930s through the early 1990s. Vegetables were cultivated at the Site from the early 1990s through the late 1990s.

ICES conducted a site investigation in November 1997. A total of six soil samples were collected from six shallow test pits at a depth of approximately 6 to 9 inches below the existing ground surface (bgs). The purpose of the investigation was to assess the potential presence of pesticides due to farming activities associated with the former nursery at the Site. The investigation was limited to collecting soil samples at the Site and screening for organochlorine pesticides.

Laboratory analytical results indicated that the surficial soil at the Site contained detectable concentrations of p,p'-dichlorodiphenyl trichloroethane (DDT), and its degradation byproducts p,p'-dichlorodiphenyl dichloroethane (DDD) and p,p'-dichloro-ethylene (DDE) (herein collectively referred to as DD*); dieldrin; endosulfan I, endosulfan II, and endosulfan sulfate (herein collectively known as endosulfan); and endrin. The remaining organochlorine pesticides analyzed using EPA Method 8080 were below their respective detection limits.

At the time of the site investigation, the detectable endrin concentrations were below the U.S. EPA Region IX's Preliminary Remediation Goal (PRG) of 18 mg/kg. DD* concentrations of the six soil samples were above the PRG of 1.3 mg/kg. Additionally, dieldrin and endosulfan levels exceeded the PRG of 0.028 mg/kg and 3.3 mg/kg, respectively. Based on the results of the site investigation, it appeared that the surficial soil at the Site contained elevated concentrations of DD*, dieldrin, and endosulfan.

A geotechnical investigation was performed by Nicholas Engineering

EXHIBIT "B"

ICE

Consultants of Dublin, California in May 2000. Four soil borings were drilled to a maximum depth of approximately 21 feet bgs. Surficial soil extending to a depth of approximately 3 feet bgs consisted of very dark grayish sandy silty clay. Olive brown silty clay and sandy silty clay were encountered at depths ranging from approximately 3 feet to 9 to 15 feet bgs. Groundwater was recorded during drilling operations at approximately 5.5 to 8 feet bgs. Dark brown silty clay generally extended to approximately 20 feet bgs followed by olive brown sandy clay to the total depth of the borings.

Soil remedial activities were performed at the Site from October 25, 2002 through December 2, 2002. The remedial activities consisted of consolidating and encapsulating a total of approximately 5,500 cubic yards (cy) of pesticide-impacted soil onsite. Confirmation soil samples were collected from the sidewalls and floor of the excavated area to document the adequate removal of the pesticide-impacted soil. The approximate sample locations are shown in Figure 3. Analysis of the final confirmation soil samples which were collected from the sidewalls and floor of the excavation indicated that DD* concentrations ranged from less than 0.001 to 0.010 mg/kg (not detected) to 0.101 mg/kg; dieldrin concentrations ranged from less than 0.001 to 0.020 mg/kg (not detected) to 0.028 mg/kg; and endosulfan concentrations ranged from less than 0.001 to 0.020 mg/kg (not detected) to 0.039 mg/kg. Laboratory analytical results of the final confirmation sidewall and floor samples are presented in Tables 1 and 2.

The pesticide-impacted soil extended from the bottom of the AOE to the base of the surficial top soil within the common park area and to the base of the subbase within the ROW of the onsite streets at the central portion of the Site. The AOE surface was lime-treated and a concrete retaining wall measuring approximately 1 foot wide and extending to a depth of approximately 5 feet bgs was then constructed along the outer perimeter of the AOE. An orange geotextile fabric was placed at the top of the pesticide-impacted soil within the AOE to mark the limits of the pesticide-impacted soil. Approximately 18 inches of "clean" overburden soil was placed and compacted over the geotextile fabric overlying the pesticide-impacted soil within the AOE. The pesticide-impacted soil within the ROW of onsite streets located within the AOE will subsequently be permanently encapsulated with the subbase and asphalt paving for the streets.

3.0 RISK MANAGEMENT PLAN

In the event future construction activities should occur within the pesticide-impacted soil within the AOE, all contractor/

EXHIBIT "B"

ICE

subcontractor personnel working within the AOE must read and understand the specifications of the health and safety plan dated November 15, 2002 and as may be amended or revised as well as this RMP. Any amendment or revision must be approved by RWQCB. A copy of the current HSP must be provided to contractors by the Homeowner's Association. The Homeowner's Association is responsible for all risk management practices of this RMP. Should activities need to occur within the AOE, the City of East Palo Alto Public Works Department Planning Division (City) must be notified and proper permits obtained. While applying for any permit to disturb the AOE, the permit applicant must notify the City that the pesticide-impacted soil is present and provide a copy of the RMP with the permit application.

The areas to be disturbed or excavated should also be moisture-conditioned. The work areas should be lightly sprinkled during excavation activities (if required) to minimize airborne dust. A water hose with a spray nozzle should be used for water application in areas where access is limited.

Dust control measures should be increased (more frequent wetting and sprinkling) during the movement of dry materials and/or observation of visible dust. Equipment speed at the Site should be reduced in the event wetting with water is not effective in minimizing airborne dust. The excavation activities at the Site should be temporarily halted in the event reduction of equipment speed and soil wetting are not effective in minimizing airborne dust.

Pesticide-impacted soil encountered during future construction activities within the AOE must be properly characterized following the sampling procedures presented in Appendix B. The pesticide-impacted soil may be returned to AOE. In the event offsite-disposal of the excavated pesticide-impacted soil is desired, composite samples should be collected and analyzed for organochlorine pesticides at the rate of approximately one composite samples per 1,000 cy of excavated pesticide-impacted soil as required by the appropriate disposal facility.

Pesticide-impacted soil excavated from the AOE and temporarily stockpiled should be placed on a polyethylene-lined pad and covered with polyethylene sheets. The excavated impacted soil should be loaded directly onto dump trucks from the excavation(s) or soil stockpile for transportation to the landfill. A waste manifest should be prepared for each truckload of pesticide-impacted soil. The wheels of the trucks should be brushed and the pesticide-impacted soil should be covered prior to the trucks exiting the Site. Temporary stockpiling of the pesticide-impacted soil within the Site shall not exceed 30 calendar days.

EXHIBIT "B"

ICE

The excavation(s) should be backfilled and compacted with clean import fill. Additionally, the pesticide-impacted soil remaining within the AOE should be clearly marked with a geotextile fabric for future identification prior to backfilling activities.

KCE

TABLE 1

EXCAVATION SAMPLE RESULTS
Excavation Sidewall Samples
1050, 1054, and 1060 Weeks Street
East Palo Alto, California

(concentrations expressed in mg/kg)

Sample ID	Depth (inches)	DDD	DDE	DDT	DD*	Dieldrin	Endosulfan	Endrin	b-BHC	a-Chlordane	g-Chlordane
W-1A	6-9	ND<0.005	ND<0.005	ND<0.005	0.0025	ND<0.005	ND<0.005	ND<0.005	ND<0.005	ND<0.005	ND<0.005
W-2	6-9	ND<0.001	ND<0.001	ND<0.001	0.0005	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001
W-3A	6-9	ND<0.002	ND<0.002	ND<0.002	0.001	ND<0.002	ND<0.002	ND<0.002	ND<0.002	ND<0.002	ND<0.002
W-4A	6-9	ND<0.005	ND<0.005	ND<0.005	0.0025	ND<0.005	ND<0.005	ND<0.005	ND<0.005	ND<0.005	ND<0.005
W-5	6-9	ND<0.001	ND<0.001	ND<0.001	0.0005	0.026	0.014	ND<0.001	ND<0.001	ND<0.001	ND<0.001
W-6A	6-9	ND<0.005	ND<0.005	ND<0.005	0.0025	ND<0.005	ND<0.005	ND<0.005	ND<0.005	ND<0.005	ND<0.005
W-7	6-9	0.0011	ND<0.001	ND<0.001	0.0021	0.006	ND<0.001	0.0013	ND<0.001	0.011	0.0096

ND Not Detected

Notes:

- The remaining organochlorine pesticides analyzed using EPA Method 8081B were below their respective detection limits.
- Diieldrin concentration in initial sample was above SRCG. Additional soil was excavated and wall area was resampled.

EXHIBIT "B"

ICE

TABLE 1

EXCAVATION SAMPLE RESULTS
Excavation Sidewall Samples
1050, 1054, and 1060 Weeks Street
East Palo Alto, California

(concentrations expressed in mg/kg)

Sample ID	Depth (inches)	DDD	DDE	DDT	DD*	Dieldrin	Endosulfan	Endrin	b-BHC	α-Chlordane	γ-Chlordane
W-8	6-9	ND<0.010	ND<0.010	ND<0.010	0.005	0.028	ND<0.010	ND<0.010	ND<0.010	0.046	0.045
W-9	6-9	ND<0.001	ND<0.001	ND<0.001	0.0005	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001
W-10	6-9	ND<0.001	ND<0.001	0.0021	0.0031	0.005	0.0039	ND<0.001	ND<0.001	0.0067	0.0068
W-11	6-9	ND<0.001	ND<0.001	ND<0.001	0.0005	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001
W-12	6-9	ND<0.001	ND<0.001	ND<0.001	0.0005	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001	ND<0.001
W-13A	6-9	ND<0.005	ND<0.005	ND<0.005	0.0025	ND<0.005	ND<0.005	ND<0.005	ND<0.005	ND<0.005	ND<0.005
W-14	6-9	0.091	ND<0.010	ND<0.010	0.101	0.018	ND<0.010	0.014	0.041	0.023	0.016

ND Not Detected

Notes:

- The remaining organochlorine pesticides analyzed using EPA Method 8081B were below their respective detection limits.
- Dieldrin concentration in initial sample was above SRCG. Additional soil was excavated and wall area was resampled.

EXHIBIT "B"

EXHIBIT "B"

ICE

TABLE 2

EXCAVATION SAMPLE RESULTS
Excavation Floor Samples
1050, 1054, and 1060 Weeks Street
East Palo Alto, California

(concentrations expressed in mg/kg)

Sample ID	Depth (inches)	DDD	DDE	DDT	DD*	Dieldrin	Endosulfan
F-1	18-21	ND<0.010	ND<0.010	ND<0.010	0.005	ND<0.010	ND<0.010
F-2	18-21	ND<0.010	ND<0.010	ND<0.010	0.005	ND<0.010	ND<0.010
F-3	18-21	ND<0.010	ND<0.010	ND<0.010	0.005	ND<0.010	ND<0.010
F-4	18-21	ND<0.010	ND<0.010	ND<0.010	0.005	ND<0.010	ND<0.010
F-5	18-21	ND<0.010	ND<0.010	ND<0.010	0.005	ND<0.010	ND<0.010
F-6	18-21	ND<0.010	ND<0.010	ND<0.010	0.005	ND<0.010	ND<0.010
F-7	18-21	ND<0.010	ND<0.010	ND<0.010	0.005	ND<0.010	ND<0.010
F-8	18-21	ND<0.010	ND<0.010	ND<0.010	0.005	ND<0.010	ND<0.010

ND Not Detected

Note:

- The remaining organochlorine pesticides analyzed using EPA Method 8081B were below their respective detection limits.

EXHIBIT "B"

ICE

TABLE 2

EXCAVATION SAMPLE RESULTS
Excavation Floor Samples
1050, 1054, and 1060 Weeks Street
East Palo Alto, California

(concentrations expressed in mg/kg)

Sample ID	Depth (inches)	DDD	DDE	DDT	DD*	Dieldrin	Endosulfan
F-9	18-21	ND<0.010	ND<0.010	ND<0.010	0.005	ND<0.010	ND<0.010
F-10	18-21	ND<0.010	ND<0.010	ND<0.010	0.005	ND<0.010	ND<0.010
F-11	18-21	ND<0.010	ND<0.010	ND<0.010	0.005	ND<0.010	ND<0.010
F-12	18-21	ND<0.010	ND<0.010	ND<0.010	0.005	ND<0.010	ND<0.010
F-13	18-21	ND<0.010	ND<0.010	ND<0.010	0.005	ND<0.010	ND<0.010
F-14	18-21	ND<0.010	ND<0.010	ND<0.010	0.005	ND<0.010	ND<0.010
F-15	18-21	ND<0.010	ND<0.010	ND<0.010	0.005	ND<0.010	0.039
F-16	18-21	ND<0.010	ND<0.010	ND<0.010	0.005	ND<0.010	ND<0.010

ND Not Detected

Note:

- The remaining organochlorine pesticides analyzed using EPA Method 8081B were below their respective detection limits.

ICE

EXHIBIT "B"

TABLE 2

EXCAVATION SAMPLE RESULTS
Excavation Floor Samples
1050, 1054, and 1060 Weeks Street
East Palo Alto, California

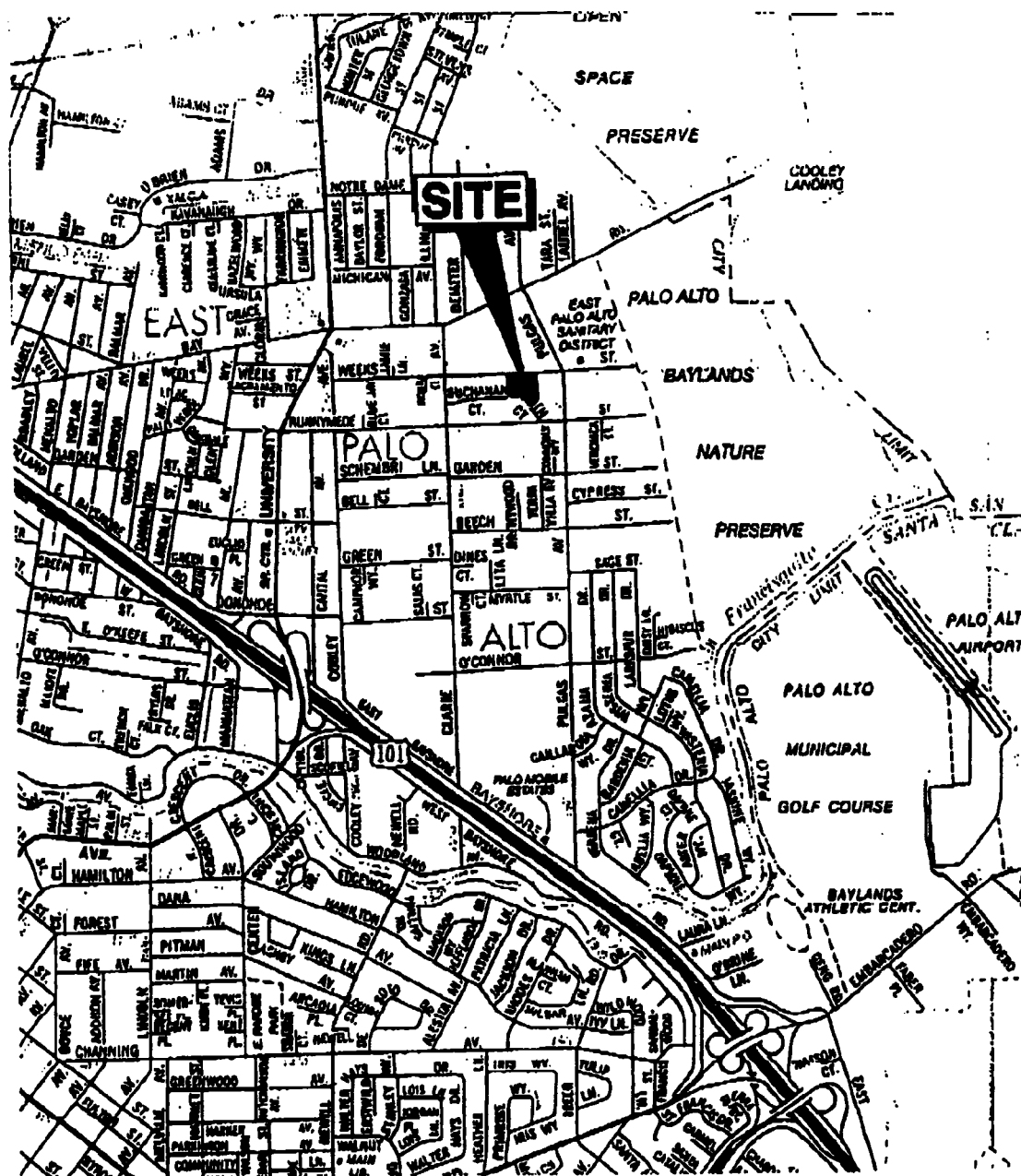
(concentrations expressed in mg/kg)

Sample ID	Depth (inches)	DDD	DDE	DDT	DD*	Dieldrin	Endosulfan
F-17	18-21	ND<0.010	ND<0.010	ND<0.010	0.005	ND<0.010	ND<0.010
F-18	18-21	ND<0.001	ND<0.001	ND<0.001	0.005	ND<0.001	ND<0.001
F-19	18-21	0.083	ND<0.001	0.017	0.1005	0.021	ND<0.001
F-20	18-21	ND<0.001	ND<0.001	ND<0.001	0.0005	ND<0.001	ND<0.001
F-21	18-21	ND<0.020	ND<0.020	ND<0.020	0.010	ND<0.020	ND<0.020

ND Not Detected

Note:

- The remaining organochlorine pesticides analyzed using EPA Method 8081B were below their respective detection limits.

MAP SOURCE:
CSAA

Scale: 1" = ± 1450'

February 2003

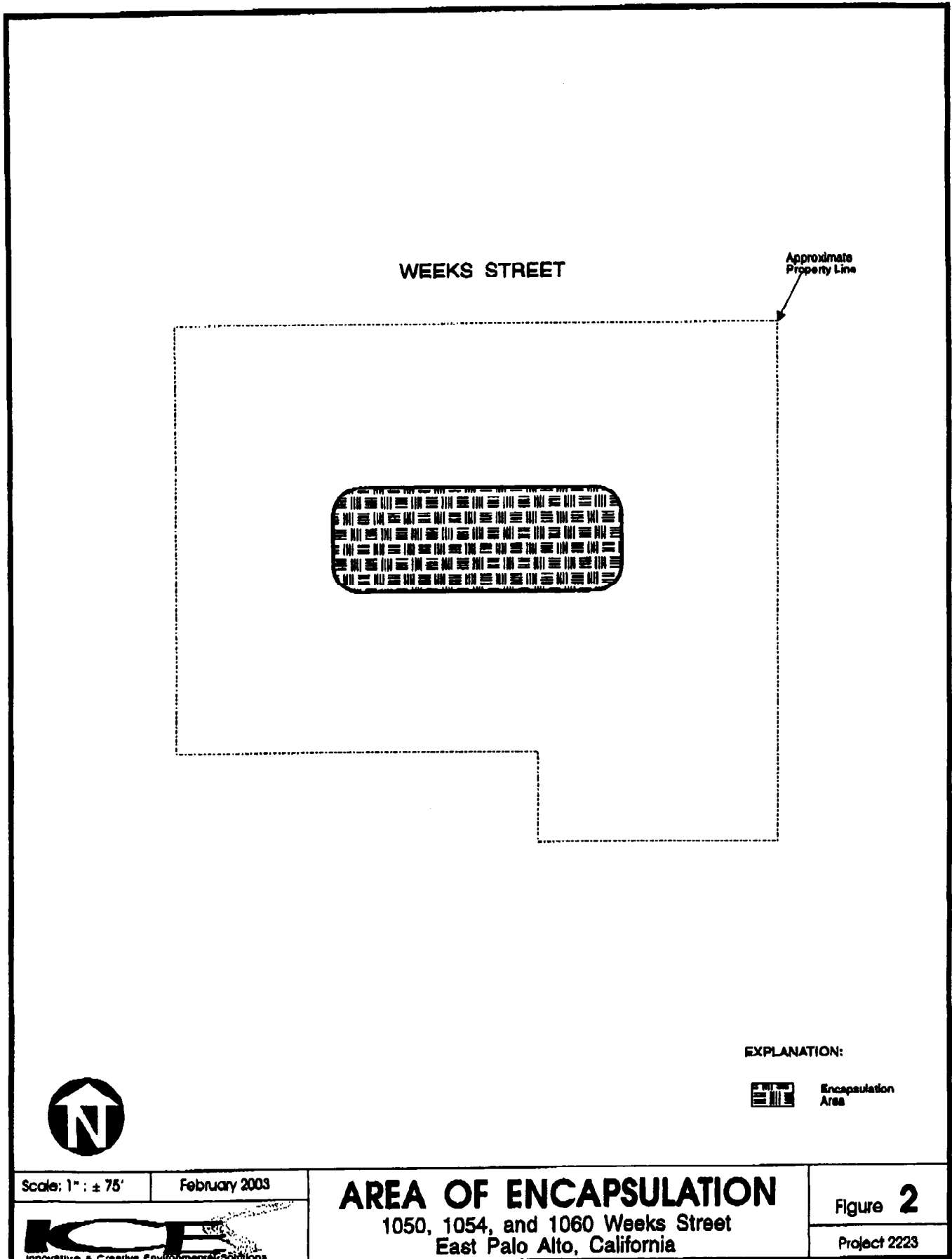
ICE
 Innovative & Creative Environmental Solutions

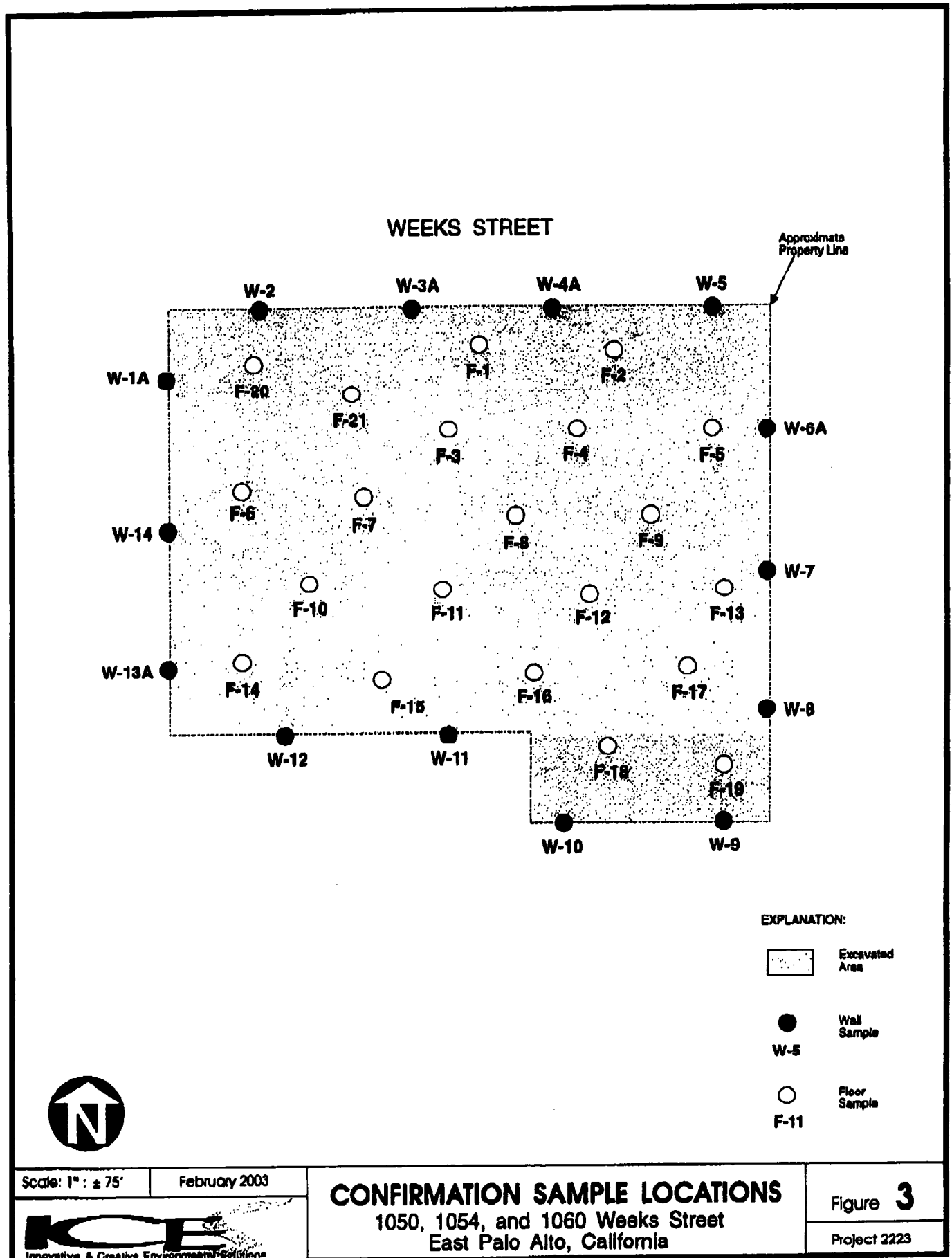
SITE LOCATION

 1050, 1054, and 1060 Weeks Street
 East Palo Alto, California

Figure 1

Project 2223





APR 07 '03 15:33 FROM:

T-858 P.20/26 F-027

EXHIBIT "B"



APPENDIX A

CONTACT INFORMATION

EXHIBIT "B"

ICE

CONTACT INFORMATION

1. City of East Palo Alto
Public Works Department - Planning Division
2200 University Avenue
East Palo Alto, California
(650) 853-3119

2. California Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, California 94612
(510) 622-2300

APR 07 '03 15:33 FROM:

T-958 P.22/26 F-027

EXHIBIT "B"

ICE

APPENDIX B

SAMPLING PROCEDURES

EXHIBIT "B"

ICE

SAMPLING PROCEDURES**1050, 1054, AND 1060 WEEKS STREET
EAST PALO ALTO, CALIFORNIA**

Soil sampling will be conducted to provide data to evaluate the extent of chemicals in the soil at the Site. Soil samples will be used for chemical analysis. The methodology used for this sampling purpose is discussed in the following sections.

Soil Sampling

Soil may be collected for chemical analysis by directly driving a sampler containing vinyl acetate tubing or precleaned brass or stainless steel tubes into the soil to assess surface/subsurface level conditions. The samples must completely fill the tubes to minimize headspace and consequent loss of volatile contaminants, if present. These tubes shall be lined with aluminum foil or Teflon, capped with air-tight plastic lids, and taped around the caps to prevent possible moisture and chemical loss. Disturbed soil samples will be collected in 250-ml jars with taped, airtight lids. Each jar will be completely filled with soil to minimize headspace and consequent loss of volatile contaminants, if present.

After being sealed and labeled, the soil samples will be maintained at a temperature of 4°C or lower using blue ice during delivery to the laboratory and prior to analysis by the laboratory. Samples will be analyzed at the laboratory within specific holding times.

Documentation

- o The following information will be entered on the sample collection data form at the time of sampling:
 - project name and number
 - sampler's name
 - time and date of sampling
 - sampling location
 - sampling method
 - sample number
 - sample condition (disturbed/undisturbed)
 - laboratory analyses requested

EXHIBIT "B"

ICE

Each sample will be packaged and transported appropriately, as described in the following protocol.

- o Collect samples in appropriately-sized and prepared containers
- o Properly seal and package sample containers.
- o Fill out field sample log and COC and analyses request forms.
- o Separate and place samples into coolers according to laboratory destination. Samples will be packaged so that the potential for shipping damage is minimized.
- o Chill samples to approximately 4°C. Blue ice or regular crushed ice used in the coolers will be sealed in a plastic bag other than the one in which it was purchased.
- o Seal a copy of the COC form inside a zip-lock bag. Use strapping tape to hold the packet on the inside of the cooler.
- o Seal cooler with several strips of strapping tape.

DECONTAMINATION PROCEDURES

Equipment Decontamination

All equipment used for collecting samples during this investigation which might come into contact with contaminated material will be properly decontaminated before and after each use, and before initial use at the Site. This will be accomplished through steam-cleaning and/or washing with Alconox (a laboratory-grade detergent) and rinsing with deionized, distilled, or fresh water. Decontamination procedures will allow for disposal of cleaning fluids in the manner described below.

Disposal Procedures

The cleaning fluids will be collected and placed into appropriate containers to be analyzed and disposed by a licensed recycling facility. The non-hazardous waste, such as cardboard boxes, scrap paper, etc., will be disposed at a Class III landfill.

EXHIBIT "B"

ICE

Sample Custody

In order to check and link each reported datum with its associated sample, sample custody and documentation procedures were established. Three separate, interlinking documentation and custody procedures--for field, office, and laboratory--can be described. The COC forms, which are central to these procedures, are attached to all samples and their associated data throughout the tracking process.

FIELD CUSTODY PROCEDURES

Field documentation will include sample labels, daily field activities logbook, and COC and analyses request forms. These documents will be filled out in indelible ink. Any corrections to the document will be made by drawing a line through the error and entering the correct value without obliterating the original entry. Persons correcting the original document will be expected to initial any changes made. The documents are as follows:

Sample Labels

Labels will be used to identify samples. The label is made of a waterproof material with a water-resistant adhesive. The sample label, to be filled out using waterproof ink, will contain at least the following information: sampler's name, sample number, date, time, location, and preservative used.

Field Log of Daily Activities

A field log will be used to record daily field activities. The project manager is responsible for making sure that a copy of the field log is sent to the project file as soon as each sampling round is completed. Field log entries will include the following:

- o field worker's name;
- o date and time data are entered;
- o location of activity;
- o personnel present on-site;
- o sampling and measurement methods;
- o total number of samples collected;
- o sample numbers;
- o sample distribution (laboratory);
- o field observations, comments;
- o sample preservation methods used, if any.

Chain-of-Custody (and Analysis Request) Form

The COC form is filled out for groups of samples collected at a given location on a given day. The COC will be filled out in duplicate form, and will accompany, every shipment of samples to the respective analytical laboratories.

One copy will accompany the samples to the analytical laboratory. The second copy is kept in the ICES QA/QC file. The COC makes provision for documenting sample integrity and the identity of any persons involved in sample transfer. Other information entered on the COC includes:

- o project name and number;
- o project location;
- o sample number;
- o sampler's/recorder's signature;
- o date and time of collection;
- o collection location;
- o sample type;
- o number of sample containers for each sample;
- o analyses requested;
- o results of laboratory's inspection of the condition of each sample and the presence of headspace, upon receipt by the laboratory;
- o inclusive dates of possession;
- o name of person receiving the sample;
- o laboratory sample number;
- o date of sample receipt; and
- o address of analytical laboratory.

EXHIBIT C
ENVIRONMENTAL FACT SHEET

Maple Lane

A NEW SINGLE-FAMILY RESIDENTIAL DEVELOPMENT
Weeks Street, East Palo Alto
ENVIRONMENTAL FACT SHEET
("Exhibit B" of Environmental Covenant and Deed Restriction)
May 2005

Introduction

This Fact Sheet has been prepared to inform prospective purchasers of the previous uses, environmental investigations and remediation of soil pollution on the property upon which the Maple Lane subdivision has been constructed. It is the responsibility of the current property owner of any portion of the Maple Lane development to provide all prospective purchasers of their property a copy of this Fact Sheet, and if requested, a copy of the associated Environmental Deed Restriction for the property. The current owner must allow prospective purchasers adequate time to review the Fact Sheet, and if requested, the Environmental Deed Restriction, prior to accepting any purchase offer.

Maple Lane

A new housing subdivision (known as Maple Lane), consisting of 29 single-family homes has been constructed on the 2-½ acre former nursery located on Weeks Street between Pulgas and Clarke Streets. This development has added entry-level, detached homes of primarily four bedrooms, with a common park, open to the public of approximately 8,000 square feet, located in the center of the development. The development is the result of 14 drafts of architectural designs studied in conjunction with the City of East Palo Alto Planning Department over a 4 year period. The development is a result of a comprehensively thought-out plan studied in conjunction with the City of East Palo Alto Planning Department, which included 14 drafts of architectural designs considered over a 4 year period.

The Homes

Four different floor plans have been designed, each at two stories, with 80% having four bedrooms and the remainder having three bedrooms. Each has 2 ½ baths. The homes average 2300 square feet in area. Each home has parking for 4 cars (2-car garage, and a private driveway for 2 added cars).

The homes are modeled on New England Town Square architecture. Standard features include maple cabinets, master bedrooms with walk-in closets, pre-wiring for security, wiring for computers, 13 foot-high living room ceilings, and in most models a light well between the first and second floors. Energy-saving features are available consisting of energy efficient water heaters and furnaces, highly insulated windows, and optional, solar-electric power panels on the roof, and low-energy use appliances.

Site History

The land upon which the Maple Lane development has been built was used as a nursery growing primarily chrysanthemums until the late 1980s. From the late 1980s until the time it was developed into the existing Maple Lane development, the land was vacant and sometimes used to grow vegetables. As in most nurseries and other agricultural uses of land, pesticides were applied to the crops. Residual pesticides from its agricultural past accumulated in surface soil across the property. These pesticides included, but were not limited to dieldrin, DDD, DDE and DDT (also referred to as total DDT), endrin, and endosulfan.

Prior to the development of the property, environmental investigations were conducted to determine the extent of the residual pesticides in the soil and develop a remedial plan to address them, appropriate for residential use of the property.

Soil Remediation Plan

A Remedial Action Plan, dated April 18, 2001, was developed to address pesticide-impacted soil and submitted to the California Environmental Protection Agency's Regional Water Quality Control Board, San Francisco Bay Region (Water Board) for its review and approval. The Water Board was the lead regulatory agency overseeing the investigation and

EXHIBIT "C"

cleanup of the property, prior to its development. The Remedial Action Plan proposed removing the pesticide-impacted soil from each residential lot and consolidating it under the development's new street and Common Park area, thereby encapsulating it. By this encapsulation, exposure pathways--by dust inhalation or direct contact to the impacted soil are eliminated. Similar cleanups for former nurseries being converted to residential use have been approved by the Water Board, in order to mitigate any potential health risk to future residents.

The Remedial Action Plan required the following measures be taken:

1. Excavate all pesticide affected soil exceeding cleanup standards from residential lot areas of the property and consolidate it beneath the onsite streets (from approximately the center line of the street inward) and in the Common Park Area of the property. This area is referred to as the "Area of Encapsulation" or "AOE" ("Exhibit B" of the deed restriction).
 2. Following the excavation, confirmation soil samples were collected from the residential lots to determine if the cleanup had been effective.
 3. Once the consolidation of soil had been completed, the surface of the impacted soil within the Common Park area was then treated with lime to create a hard, cement like surface material. The entire surface of the AOE was then covered with a geotextile fabric netting (a brightly colored plastic net material) as a marker to indicate the interface between impacted soil and clean top soil. The edge of the AOE, located at approximately the center of the street, is marked by a subsurface vertical cement barrier wall. The primary subsurface utilities within the development are located on the outside portion of the street and outside the AOE in clean fill. This design allows for maintenance of these utilities without exposure to affected soil. Within the Common Park Area an 18 inch layer of clean soil has been placed over the pesticide impacted soil, which allows for the planting of grass entirely within clean material. Pavement within the street will be used to cover the impacted soil there.
 4. A Risk Management Plan ("Exhibit B" of the deed restriction) was developed to assure proper long-term management of the impacted soil within the AOE (long-term management will be the responsibility of the Maple Lane Home Owner's Association, a California nonprofit mutual benefit corporation, ("Maple Lane HOA"). (Under normal use of the property, there should be no need to intrude into the AOE.)
- (4) Develop an appropriate fact sheet ("Exhibit C" of deed restriction) which explains in easily understandable terms the environmental conditions of the property and associated responsibilities of the home owners association; and,

- (5) Record an appropriate deed restriction on the property to document the residual condition and effectively manage affected soil within the AOE.

The Remedial Action Plan effectively eliminates pathways of exposure to the pesticide-impacted soil and mitigates any potential health risks associated with such exposure. All of the components of the Remedial Action Plan outlined above have been completed for the property. The deed restriction will remain in-place in perpetuity and is enforceable by both the City of East Palo Alto and the Water Board.

Public Disclosure and Responsibilities of Property Owners and the Maple Lane Home Owner's Association

As previously stated, an environmental deed restriction, which includes both a copy of this Fact Sheet as well as the Risk Management Plan has been recorded for the property. The deed restriction will be used to ensure that the pesticide-impacted soil remains encapsulated within the AOE and requires that prospective purchasers be given adequate disclosure of the presence of the impacted soil, provide for onsite management of the pesticide soil, and regulate land use within the boundaries of the private street. The Maple Lane HOA is responsible for the long-term management of the pesticide-impacted soil. This will include any associated financial obligations. **It is important to note that the deed restriction states: "Any current owner selling any portion of the property within the Maple Lane Development must provide a copy of the Environmental Fact Sheet (Exhibit "C" of the above referenced deed restriction) to all prospective purchasers of the property, prior to their committing to purchase any portion of the property. In addition, all prospective purchasers must be allowed adequate time to review the Environmental Fact Sheet, prior to committing to purchase. Should any prospective purchaser request copies of the Deed Restriction, the seller must provide copies in a timely manner."**

Furthermore, should there ever be a need to intrude into the AOE, it is the responsibility of the Maple Lane Home Owners Association, to inform all contractors working with the impacted soil of the conditions and provide them with a copy of the Risk Management Plan (attached to the Deed Restriction as Exhibit "B"). It is also the responsibility of the Maple Lane Home Owners Association to bear all costs associated with the long-term management of the

impacted soil, should any costs be incurred.

COMMONLY ASKED QUESTIONS

Where did the pesticides come from?

The pesticides are a result of agricultural application as part of the former nursery activities on the property.

Why are the pesticides still there?

The pesticides generally bind tightly to the soil particles and remain in the tilling zone (the depth to which the soil has been tilled), which is usually within the first one to two feet of the ground surface. These pesticides are also very stable and do not easily biodegrade. They are also relatively non-soluble in water and do not generally impact groundwater. While pesticides like DDT have not been used in the U.S. since 1970, it is still present in soils where it was applied.

How could a person be exposed to these pesticides?

The ways in which a person could potential be exposed to the residual pesticides in the soil:

- Eating and/or swallowing the soil,
- Inhaling dust particles of the soil,
- Absorbing the pesticides through the skin via contact with impacted soil,
- Eating *unwashed* fruits and vegetables grown in the contaminated soil.

Since the pesticide-impacted soil has been encapsulated beneath the Common Park and street, no pathways exists for human exposure to pesticide-impacted soil.

For More Information.

Copies of the environmental reports generated have been retained by the Maple Lane Home Owners Association. You may review these documents. Should you have any additional questions, you may contact:

Agency:

Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Oakland, CA 94162, tel (510) 622-2300. Please reference File No. 41S0147.

Developer:

Kennedy & Company, at 408 / 287-0491.

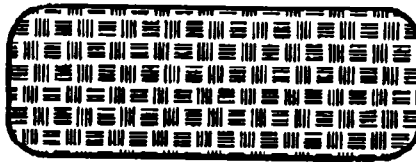
EXHIBIT D

AREA OF ENCAPSULATION MAP

The area shown on the plat which follows being Parcel A as shown on that certain Map entitled "1060 Weeks Street, East Palo Alto, California, City of East Palo Alto, San Mateo County, California", filed in the office of the County Recorder of San Mateo County, State of California on June 24, 2004 in Volume 133 of Maps at Pages 13 to 15 inclusive including therewith the area from approximately the centerline inward beneath the onsite streets of the Burdened Property where impacted soil is managed in place.

WEEKS STREET

Approximate
Property Line



EXPLANATION:



Encapsulation
Area



Scale: 1" = ± 75'

February 2003

ICE
Innovative & Creative Environmental Solutions

AREA OF ENCAPSULATION
1050, 1054, and 1060 Weeks Street
East Palo Alto, California

Figure **2**

Project 2223